

**AMENDMENTS TO THE CLAIMS**

This listing of claims will replace all prior versions, and listings of claims in the application:

Claim 1 (Previously Presented): A toner for developing an electrostatic image, comprising:

a polyester resin containing nitrogen; and

a colorant,

wherein a concentration of nitrogen at a surface of the toner is more than a concentration of nitrogen in the entire toner, and the surface of the toner is harder than a center portion of the toner;

wherein a ratio (S/V) of the surface concentration of nitrogen S to the overall concentration of nitrogen V is from 1.2 to 10.

Claim 2 (Original): A toner for developing an electrostatic image according to Claim 1, a hardness of the polyester resin at the surface being higher than a hardness of the polyester resin at the center portion.

Claim 3 (Previously Presented): A toner for developing an electrostatic image, according to Claim 1, wherein the surface of the toner is higher in heat resistance than a the center portion of the toner.

Claim 4 (Original): A toner for developing an electrostatic image according to Claim 3, a heat resistance of the polyester resin at the surface being higher than a heat resistance of the polyester resin at the center.

Claim 5 (Previously Presented): A toner for developing an electrostatic image, according to claim 1, wherein the surface of the toner is higher in cross-linking density than a the center portion of the toner.

Claim 6 (Original): A toner for developing an electrostatic image according to Claim 5, a cross-linking density of the polyester resin at the surface being higher than a cross-linking density of the polyester resin at the center.

Claims 7-9 (Canceled).

Claim 10 (Previously Presented): A toner for developing an electrostatic image according to Claim 1, the nitrogen-containing polyester resin being a polyester resin modified with urea bonds.

Claim 11 (Previously Presented): A toner for developing an electrostatic image according to Claim 1, the toner comprising particles formed by elongation and/or cross-linking of a toner composition, the toner composition including a prepolymer being dissolved in oil droplets dispersed in an aqueous medium.

Claim 12 (Original): A toner for developing an electrostatic image according to Claim 11, the toner particles being substantially spherical and an average sphericity E of the toner particles being from 0.90 to 0.99.

Claim 13 (Original): A toner for developing an electrostatic image according to Claim 1, a sphericity SF-1 of the toner being from 100 to 140 and a sphericity SF-2 of the toner being from 100 to 130.

Claim 14 (Original): A toner for developing an electrostatic image according to Claim 1, a volume mean diameter  $D_v$  of the toner particles being from  $2\mu\text{m}$  to  $7\mu\text{m}$  and a ratio ( $D_v/D_n$ ) of the volume mean diameter  $D_v$  to a number mean diameter  $D_n$  being 1.25 or less.

Claim 15 (Currently Amended): A two component developer comprising:

a toner; and

carrier particles containing magnetic particles, the toner comprising:

a polyester resin containing nitrogen; and

a colorant,

wherein a concentration of nitrogen at the surface is more than a concentration of nitrogen in the entire toner, and a portion at a surface of the toner is harder than a center portion of the toner;

wherein a ratio ( $S/V$ ) of the surface concentration of nitrogen  $S$  to the overall concentration of nitrogen  $V$  is from 1.2 to 10.

Claim 16 (Currently Amended): An image forming apparatus comprising:

an electrostatic image carrier which supports an electrostatic image;

an image-developer for developing the electrostatic latent image into a toner image, which houses a developer therein; and

a transfer which transfers the toner image to a support material,

wherein the developer contains:

a toner; and

carrier particles containing magnetic particles, the toner comprising:

a polyester resin containing nitrogen; and

a colorant,

wherein a concentration of nitrogen at the surface is more than a concentration of nitrogen in the entire toner, and a portion at a surface of the toner is harder than a center portion of the toner;

wherein a ratio (S/V) of the surface concentration of nitrogen S to the overall concentration of nitrogen V is from 1.2 to 10.

Claim 17 (Currently Amended): A process for forming an image comprising:

developing an electrostatic image by a developer containing:

a toner; and

carrier particles containing magnetic particles, the toner comprising:

a polyester resin containing nitrogen; and

a colorant,

wherein a concentration of nitrogen at the surface is more than a concentration of nitrogen in the entire toner, and a portion at a surface of the toner is harder than a center portion of the toner;

wherein a ratio (S/V) of the surface concentration of nitrogen S to the overall concentration of nitrogen V is from 1.2 to 10.

Claim 18 (Currently Amended): A toner container comprising:

a toner containing:

a polyester resin containing nitrogen; and

a colorant,

wherein a concentration of nitrogen at the surface is more than a concentration of nitrogen in the entire toner, and a portion at a surface of the toner is harder than a center portion of the toner;

wherein a ratio (S/V) of the surface concentration of nitrogen S to the overall concentration of nitrogen V is from 1.2 to 10.

Claim 19 (Currently Amended): A process cartridge comprising:

an image-developer for developing an electrostatic latent image into a toner image, which houses a toner therein; and

an electrostatic image substrate,

wherein the toner contains:

a polyester resin containing nitrogen; and

a colorant, wherein a concentration of nitrogen at the surface is more than a concentration of nitrogen in the entire toner, and a portion at a surface of the toner is harder than a center portion of the toner;

wherein a ratio (S/V) of the surface concentration of nitrogen S to the overall concentration of nitrogen V is from 1.2 to 10.

Claim 20 (Currently Amended): A toner for developing an electrostatic image, comprising:

a polyester resin containing nitrogen; and

a colorant,

wherein a concentration of nitrogen at a surface of the toner is more than a concentration of nitrogen in the entire toner, and the surface of the toner is higher in heat resistance than a center portion of the toner;

wherein a ratio (S/V) of the surface concentration of nitrogen S to the overall concentration of nitrogen V is from 1.2 to 10.

Claim 21 (Currently Amended): A toner for developing an electrostatic image, comprising:

a polyester resin containing nitrogen; and

a colorant,

wherein a concentration of nitrogen at a surface of the toner is more than a concentration of nitrogen in the entire toner, and the surface of the toner is higher in cross-linking density than a center portion of the toner;

wherein a ratio (S/V) of the surface concentration of nitrogen S to the overall concentration of nitrogen V is from 1.2 to 10.

Claim 22 (Previously Presented): A toner for developing an electrostatic image according to Claim 11, wherein said particles are obtained by reacting a dispersion of an organic solvent in which a prepolymer (A) having isocyanate groups is dissolved or dispersed with amines (B) in an aqueous phase, and allowing the reaction to mature after the reactants are mixed and the solvent is removed.

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**BASIS FOR THE AMENDMENT**

The specification has been amended to correct to capitalize trademarks.

Each of Claims 15-21 has been amended to include the limitations of original Claim 9.

No new matter is believed to have been added by entry of this amendment. Entry and favorable reconsideration are respectfully requested.

Upon entry of this amendment Claims 1-6 and 10-22 will now be active in this application.